IN THE HIGH COURT OF BOMBAY AT GOA

Civil Revision Application No.163/2002

Shri Narayan Bappa Homkhande,
since deceased, by his legal
representatives :

a) Smt. Laxmi Narayan Homkhande;
b) Shri Sameer Narayan Homkhande;
c) Miss Seema Narayan Homkhande;
all residing at St. Matias,
Ilhas, Goa. ... Applicants.

V/s.

1. Smt. Gunavanti Deugo Morajkar;
2. Shri Chandrakant Deugo Morajkar;
3. Shri Shyam Deugo Morajkar;
4. Shri Bharat Deugo Morajkar;
5. Shri Ramesh Pundalik Shirodkar;
since deceased,
All residing at Vanjuvem, Malar,
Diwadi, Tiswadi, Goa.

i) Mrs. Sunanda Ramesh Shirodkar,
major, housewife,
ii) Shri Paresh Ramesh Shirodkar,
aged 13 years;
iii) Shri Vaibhav Ramesh Shirodkar,
aged 7 years;

all residing at Vanjuvem,
Malar, St.Matias, Ilhas, Goa. .... Respondents.

Mr. U.S. Kolwalkar, Advocate for the applicants.

Mr. P.A. Kholkar, Advocate for the respondents.

Coram : P.V. Hardas, J.

Date : June 14, 2002.

Oral Order :

This revision has been filed against the order dated 2.11.2001 passed by the learned Addl. Registrar, dismissing the Stamp No.796/4.4.2001 in Second Appeal No. 81/2000 on the ground that the Counsel for the appellants was not present when the matter was fixed before the

learned Addl. Registrar.

2. I have heard Mr. Kolwalkar, learned Advocate appearing for the applicants who seeks restoration of the said Misc. Civil Application. The learned Counsel has stated before me that he was unable to remain present before the learned Addl. Registrar as he was busy in some other matter before the Court and had requested colleague of his to attend to the said matter. It appears that inadvertently the colleague of Counsel either did not attend or did not inform the learned Addl. Registrar that he was unable to remain present before the Addl. Registrar.

3. According to me, sufficient cause has been shown as to why the learned Counsel representing the appellants could not remain present before the Addl. Registrar on 2.11.2002. The order dismissing the Misc. Application No.786 of 2001/stamp No.796/4.4.2001 is, therefore, quashed and set aside and the said MCA is restored to file. Mr. Kholkar has accepted notice on behalf of respondents No.1 to 4 of this revision.

4. For the reasons aforesaid, Civil Revision Application is allowed with no order as to costs.

P.V. Hardas, J.